

MEMO ENDORSED

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Subpoenas Issued to Mark Farber, and
Farber, LLC

TMT SYSTEMS, INC., and
TIMUR P. SARAC,

Plaintiffs,

v.

MEDTRONIC, INC.,

Defendant.

Misc. No. 1:22-mc-00093

Case pending in U.S. District Court for the
Western District of Texas, Waco Division:
No. 6:20-cv-00973-ADA

**MARK FARBER AND FARBER, LLC'S
NOTICE OF ORDER LIFTING STAY**

Mark Farber and Farber, LLC (collectively "Farber"), in accordance with the Court's Joint Stipulation and Order to Stay Proceedings (Dkt. 25), provide notice that the stay in the underlying Western District of Texas action, *TMT Systems, Inc. and Timur P. Sarac v. Medtronic, Inc.*, C.A. No. 6:20-cv-00973-ADA (W.D. Tex.) was lifted on March 20, 2023. A copy of the Order Lifting Stay in the Western District of Texas action is attached hereto as Exhibit A.

On March 30, 2023, Defendant Medtronic, Inc. ("Medtronic") filed a paper entitled "Notice of Underlying Litigation *and Motion to Maintain Stay*." Dkt. 28 (emphasis added). Medtronic did not attempt to contact or confer with Farber (or Plaintiffs) before making its filing, even though the Court's Joint Stipulation and Order to Stay Proceedings states that "[t]he parties will notify the Court that the stay has been lifted in the underlying action." Dkt. 25 (emphasis added). Farber does not join, and indeed disagrees with, Medtronic's stated position that "the stay in this action should remain in place until the Western District of Texas enters a scheduling order and upon further motion by either party to lift this stay." *Cf.* Dkt. 28 at 2. A further stay is unnecessary.

Farber submits that the motion to quash has been fully briefed and should be granted.

Dated: April 3, 2023

Respectfully submitted,

/s/ Nathaniel T. Browand

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The Court is in receipt of Defendant's letter motion requesting that the Court extend the stay in this matter "until the Western District of Texas enters a scheduling order and upon a further motion by either party" (Dkt. #28) as well as Farber and Farber, LLC's above opposition.

The Court previously stayed this matter "until the stay in the Western District of Texas is lifted." (Dkt. #25). The Texas district court lifted its stay on March 20, 2023. (See Dkt. #31-1). Defendant offers no reason (much less a persuasive one) why the stay in this matter should be extended beyond its original expiration date. Accordingly, Defendant's motion is DENIED and the stay in this matter is hereby lifted.

The Court will consider the fully briefed motion to quash (Dkt. #1) in due course. Each party may - but is not required to - file a letter supplementing their original submissions on the motion on or before **April 20, 2023**. Any such submission is not to exceed 5 pages.

The Clerk of Court is directed to terminate the motion at docket entry 28 and to restore this matter to the active docket.

SO ORDERED.

Dated: April 4, 2023
New York, New York

